



Citizen Participation Plan

FY 2020-2024

Draft for Public Comment May 16, 2020

CITY OF FOUNTAIN VALLEY CITIZEN PARTICIPATION PLAN

Introduction

The City of Fountain Valley is an Entitlement Recipient of Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD) under Title I of the Housing and Community Development Act of 1974. As an Entitlement Recipient the City of Fountain Valley is required to prepare a Citizen Participation Plan (CPP) in accordance with Section 104(a) 3 of the Housing and Community Development Act and in accordance with 24 CFR Part 91, Section 105 as required for the Consolidated Plan, to ensure the City provides sufficient opportunity for citizen participation in the creation, implementation and evaluation of CDBG programs provided to the community. The CDBG funding is required to be used for housing and community development activities that primarily benefit low-income persons.

Purpose of the Citizen Participation Plan

The CPP sets forth the policies and procedures for citizen participation in Fountain Valley's consolidated planning process. The Housing Division of the Planning and Building Department is responsible for the citizen participation process.

Citizen Participation Opportunities

The CPP is a pathway for all citizens to exercise their voice and influence decisions that affect their communities, neighborhoods, and way of life. The Housing Division urges citizens to participate in the development of the CDBG Programming, especially low- and moderate-income persons, and/or those persons living in lower income neighborhoods in the community, who may be the beneficiaries of the funding. Comments and suggestions regarding the CPP, the Consolidated Plan, the Annual Action, the Consolidated Annual Performance and Evaluation Report (CAPER) and the 5 year Analysis to Impediments to Fair Housing Report (AI) and its successor are welcome and appreciated.

To encourage Citizen Participation, the Housing Division will undertake the following activities each year:

- Hold at least three public meetings at different times during the program year to receive citizen comments on the Needs, Strategies, Actions, Projects and Performance.
- Offer comment periods for the draft versions of the Consolidated Plan, each Action Plan, each CAPER, the AI, the CPP, and any substantial amendment to the Consolidated Plan or Action Plan.
- Distribute draft copies of the City of Fountain Valley's Consolidated Plan, each Action Plan, each CAPER, the AI and the CPP for citizen review.

- Review all public comments at meetings of the Housing and Community Development Advisory Board and any written comments received, and incorporate those comments in the appropriate plan.

Housing and Community Development Advisory Board

The City of Fountain Valley created the Housing and Community Development Advisory Board (HCDAB) to provide input, in an advisory fashion, on the development, implementation and evaluation of the use of CDBG funds proposed to be used to benefit low and moderate income neighborhoods and households in Fountain Valley. To that end, low-income residents and members of minority groups are encouraged to apply to the HCDAB when vacancies arise, so that a diverse array of residents can be represented and provide input.

The HCDAB is composed of five Board Members. Board Members serve a two- year term. All HCDAB members are appointed by the City Council and there is no term limit for service.

The HCDAB is an advisory body to the City Council regarding CDBG issues. Residents' concerns and ideas may be articulated to the HCDAB. The HCDAB addresses itself to the development, review and the recommendation to City Council to adopt the following items that are part of the CDBG Program:

- A. The City's Consolidated Plan and Annual Action Plan;
- B. The submission of the City's CAPER;
- C. Neighborhood improvement strategies, programs, policies and procedures; and
- D. The Citizen Participation Plan.

The HCDAB meetings are scheduled for the first Wednesday of each month, at 6:00 p.m. in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, CA 92708.

All HCDAB meetings are open to the public and the meeting announcements are posted at the Fountain Valley City Hall, the Fountain Valley Branch Library and the Fountain Valley Recreation Center. A Notice of Public Hearings conducted by the HCDAB will be published in the local newspaper of general circulation at least 14 days prior to the hearing. Agendas and all draft documents are also posted on the City's website and are also available by contacting the City's Housing Division.

Public Hearings

Public Hearings will be conducted at the following stages throughout the year:

1. At project design phase

2. At application submittal phase
3. At the end of each program year, before submitting the Consolidated Annual Performance Evaluation Report.
4. Before adopting or revising a Program Income Reuse Plan, as necessary.
5. Before spending any funds out of a Program Income Fund, where the expenditure has not been previously noticed to the public as part of the Program Income Reuse Plan hearing process, as necessary.

Public Hearing Noticing Requirements

The Housing Division will publish a public notice in the *Fountain Valley View* or other local newspaper of general circulation, no less than 14 days prior to the public hearing date.

Public Hearings and Populations with Unique Needs

All public hearings will be held at locations accessible for people with disabilities.

Translators will be provided for people who do not speak English in the event that requests are made at least five working days prior to a public hearing.

Additional Meetings

The public is welcome to attend all meetings of the HCDAB and City Council. The HCDAB meetings are scheduled the first Wednesday of the month in the City of Fountain Valley Council Chambers at 6:00 p.m. as needed to discuss CDBG funded activities.

The public is also welcome to attend all Fountain Valley City Council meetings. The City Council meetings are scheduled the first and third Tuesday of the month in the City of Fountain Valley Council Chambers at 6:00 p.m.

Public Comment Period

The Housing Division will provide the City of Fountain Valley residents with opportunity to comment on the CPP, AI, CAPER, Consolidated Plan, Annual Action Plan, and any substantial amendments to these documents. The Housing Division provides the following comment periods:

Citizens may comment on the Citizen Participation Program for at least 30 days, after the publication date of the availability of the Draft CPP.

Citizens may comment on the Analysis of Impediments to Fair Housing Choice (AI) and any amendment to it, for at least 30 days, after the publication date of the availability of the Draft AI.

Citizens may comment on the Consolidated Plan and Annual Action Plan for at least 30 days, after publication date of the availability of the Draft Consolidated Plan and Annual Action Plan.

Citizens may comment on any Substantial Amendments to the Consolidated Plan and Annual Action Plan, for at least 30 days, after the publication date of the availability of the Draft Substantial Amendment.

Citizens may comment on the CAPER for at least 15 days, after the publication of the availability of the Draft CAPER.

Citizen's comments may be made in writing to the City's Housing Division or at the public hearings/meetings. The participation of all citizens, including minorities and non-English speaking persons, persons with disabilities and residents of assisted housing are particularly encouraged to comment.

The Housing Division will place a public notice in the *Fountain Valley View* or other local newspaper prior to the comment period announcing the availability of the document for review and the comment period.

The Housing Division will make copies of the Drafts of the Consolidated Plan, Annual Action Plan, the Annual CAPER, the AI and the CPP available during the comment periods on the City website and at the following locations:

- City of Fountain Valley City Clerk's Office, 10200 Slater Avenue, Fountain Valley, CA 92708
- Fountain Valley Branch Library, 17635 Los Alamos, Fountain Valley, CA 92708.

Additional information may be requested from the Housing Division.

Review Comments

Comments received in writing concerning the Consolidated Plan, the Annual Action Plan, Substantial Amendments to Consolidated Plan and Annual Action Plan, CAPER, AI or CPP will receive a written response within 15 working days if a return mailing address or email address is submitted with the comment.

Amendments to the Consolidated Plan

The Consolidated Plan Regulations (§91.505) require the City of Fountain Valley to amend its approved Consolidated Plan whenever it makes one of the following decisions:

- To change allocation priorities or change the method of distributing funds.
- To carry out an activity using CDBG funds (including program income) not previously described in the Annual Action Plan

- To change the purpose, scope, location or beneficiaries of an activity previously described in an Annual Action Plan.
- To change its AI, or the successor document Affirmatively Furthering Fair Housing to comply with changes to fair housing regulations.

Upon completion, the Housing Division will make the Amendment public and will notify HUD that an Amendment was made. The Housing Division will ensure that all amendments are contained in the CAPER that is submitted to HUD after the end of the program year.

Criteria for a Substantial Amendment

The Consolidated Plan Regulation considers certain Amendments to be Substantial Amendments that require a public comment period for citizen participation and review. The Housing Division defines a Substantial Amendment as:

- The City makes a change in allocation priorities or a change in the method of distribution of funds;
- The addition of an activity not originally described in the Annual Action Plan or if the City chooses not to carry out an activity described in the Action Plan;
- There is a change in the purpose, scope, location, or beneficiaries of an activity described in the Action Plan;
- A change in the scope of an activity that results in a change in funding of an amount greater than 50% of the years grant allocation or an increase in funding greater than 100% of the original funding amount of an activity.

Changes in the use of CDBG funds from one eligible activity to another, and budget increases or decreases, or changes in federal funding level, do not constitute a Substantial Amendment.

In case of a local emergency such as a natural disaster, pandemic or other large scale emergencies funds may be allocated to eligible activities to assist in disaster relief without triggering a substantial amendment with approval of the Authorized Representative.

If the City should need to make a Substantial Amendment to its Consolidated Plan or Annual Action Plan, it will follow the Citizen Participation Process as described above that includes; publishing a notice in a local newspaper advertising a 30- day public comment period, after the publication date of the availability of the Draft Substantial Amendments. After the close of the 30- day comment period, the City Council will consider approving the Substantial Amendment to the City's Consolidated Plan and/or Action Plan. All substantial amendments to the Consolidated Plan or Action Plan and all amendments to the CCP will be reviewed by City Council. A summary of comments or views accepted along with a summary of any comment or

views not accepted, and the explanation why they were not accepted, will be attached to the final amendment.

HUD Emergency/Expedited Procedures in Response to COVID-19

The HUD initiated Waivers described below, are to be used specifically to support the City's response to the COVID-19 pandemic using CARES Act funding approved in 2020 and other HUD approved funding. **If an additional waiver determination is made by HUD in response to an emergency or in order to expedite procedures, the City may follow the HUD issued guidelines to enact the waivers without the need to amend the CPP.**

In accordance with 24 CFR 5.110 HUD may, upon determination of good cause and subject to statutory limitations, waive certain regulatory provisions to expedite the delivery of assistance during an emergency situation. The City of Fountain Valley shall notify HUD of the intent to use each waiver, and shall maintain its program records to include written documentation of the specific conditions that justify the use of the waiver, consistent with the justifications and applicability of the provisions below.

Waiver Availability

- (1) Citizen Participation Public Comment Period for Consolidated Plan Amendment.

Requirement: 30-day Public Comment Period.

Citations: 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401

Explanation: A CPD grantee may amend an approved consolidated plan in accordance with 24 CFR 91.505. Substantial amendments to the consolidated plan are subject to the citizen participation process in the grantee's citizen participation plan. The citizen participation plan must provide citizens with 30 days to comment on substantial amendments.

Justification: Given the need to expedite actions to respond to COVID-19, HUD waives 24 CFR 91.105(c)(2) and (k), 91.115(c)(2) and (i) as specified below, in order to balance the need to respond quickly to the growing spread and effects of COVID-19 with the statutory requirement to provide reasonable notice and opportunity for citizens to comment on substantial amendments concerning the proposed uses of CDBG, HOME, HTF, HOPWA or ESG funds.

Applicability: This 30-day minimum for the required public comment period is waived for substantial amendments, provided that no less than 5 days are provided for public comments on each substantial amendment. The waiver is available through the end of the recipient's 2020 program year. Any recipient wishing to undertake further amendments to prior year's plans following the 2020 program year can do so during the development of its FY 2021 Annual Action Plan.

- (2) Citizen Participation Reasonable Notice and Opportunity to Comment.

Requirement: Reasonable Notice and Opportunity to Comment.

Citations: 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401

Explanation: As noted above, the regulations at 24 CFR 91.105 (for local governments) and 91.115 (for States) set forth the citizen participation plan requirements for recipients. For substantial amendments to the consolidated plan, the regulations require the recipient to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Justification: HUD recognizes the efforts to contain COVID-19 require limiting public gatherings, such as those often used to obtain citizen participation, and that there is a need to respond quickly to the growing spread and effects of COVID-19. Therefore, HUD waives 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401 as specified below to allow these grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances.

Applicability: This authority is in effect through the end of the 2020 program year.

Technical Assistance

In an effort to encourage the submission of views and proposals regarding the Consolidated Plan, particularly from residents of target areas and groups representative of persons of low and moderate income, the City shall provide technical assistance in developing proposals for funding assistance under any of the programs covered by the Consolidated Plan. Such assistance will include, but is not limited to, the provision of sample proposals, and program regulations and guidelines.

Access to Records

The City will provide reasonable and timely access to all reports and records related to the Consolidated Plan, Annual Action Plan, CAPER, AI, or CPP either on the City website or by written request to the Housing Division. Upon request, the City will make all information available in a format accessible to persons with disabilities.

Citizen Service Requests and Grievance Procedure

Citizens should be aware that any questions or grievances regarding any facet of City's Community Development Block Grant operations can be submitted to the City's Housing Division at 10200 Slater Avenue, Fountain Valley CA 92708.

During the actual development of the Consolidated Plan submission, written concerns or complaints regarding the Plan shall initiate a written response indicating assessment of the

complaint and/or proposals and actions taken to address the complaints and/or proposals before final submission of the Plan to HUD. The City shall ensure that reasonable attempts are made to respond to questions or complaints in a timely manner, usually within 15 working days after receipt of the inquiry.

Although HUD will consider objections submitted at any time, such objections should be submitted within 30 days of the submission of either the Consolidated Plan or Performance Report to HUD. Any written inquiries submitted to HUD should be addressed as follows:

U.S. Department of Housing and Urban Development
Los Angeles Field Office, Region IX
CPD Division
300 N. Los Angeles St. Suite 4054
Los Angeles, CA 90012

Regional Coordination and Consultation

In addition to citizen participation, city staff also gains input from local governments throughout Orange County regarding non-housing community development needs, general local agencies with metropolitan-wide planning responsibilities that go beyond single jurisdictions, as well as non-profit organizations that assist residents throughout the city.

Use of Citizen Participation Plan

The City of Fountain Valley will comply with the policies and procedures outlined in this Citizen Participation Plan.

Jurisdiction Responsibility

The requirements of the CPP do not restrict the responsibility or authority of the City of Fountain Valley for the development and execution of its Consolidated Plan or AI.

Virtual Public Meetings and Hearings

Virtual Public Meetings and Hearings may be conducted, when necessary, in accordance with the Brown Act, at the discretion of the Planning and Building Director or his designee. City Council Meetings are also available to live stream on the City's website or on local cable TV Channel 3.

Anti-displacement and Relocation Assistance

The City of Fountain Valley does not plan to displace any resident due to any capital improvement, or residential development projects planned during the consolidated planning period. Additionally, the City will require any entity that requires displacement to comply with, at a minimum, State and Federal relocation requirements.

The City's guidelines, rules and regulations for Relocation Assistance are the following federal and state laws, rules, and regulations, as they may be amended from time to time: 49 Code of Federal Regulations Part 24, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended for Federal and Federally-Assisted Programs; Final Rule amended as of January 4, 2005; Government Code Sec. 7260 (Relocation Assistance) through Sec. 7267; and State Regulations—Relocation Assistance and Real Property Acquisition Guidelines (Title 25, California Administrative Code Ch. 6, Art 1, Section 6000 et seq.), and are referred to as the "City Relocation Guidelines".

It is the policy of the City of Fountain Valley that State relocation laws and regulations govern programs and projects funded without federal funds. The California Relocation Assistance Law (California Government Code Section 7260 et seq.) is the statute passed by the state legislature to govern relocation activities. The State Department of Housing and Community Development (HCD) has the legal authority to administer State relocation laws and promulgating implementing regulations. Since 1990, the California Legislature passed several amendments to the state Relocation Assistance Law. These amendments have served to make the state statutes closely parallel federal law. Programs and projects funded in whole or in part with federal funding sources are governed by federal relocation laws and regulations. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, was passed by Congress to govern relocation activities conducted by Federal, State and Local Agencies receiving federal funds, grants or reimbursements.